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09/965,983	09/28/2001	Joseph G. Radzik	052250-5019	5169
26633	7590	10/26/2005	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP			COLLINS, GIOVANNA M	
1717 RHODE ISLAND AVE, NW			ART UNIT	
WASHINGTON, DC 20036-3001			PAPER NUMBER	

3672

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/965,983

**Applicant(s)**

RADZIK, JOSEPH G.

**Examiner**

Giovanna M. Collins

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 5-6, 10, 16, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's Prior Art disclosure.

Dole et al. disclose a lubricated ferrous pipe coupling gasket comprising a generally tubular, one piece, elastomeric member (32) with first and second axial open ends, the member being formed by a circumferential wall (at 4) and at least a pair of circumferential flanges, the flanges extending at least generally inwardly at a separate one of the first and second axial open ends of the first and second axial open ends of the member the circumferential wall and the circumferential flanges forming at least one circumferential channel on an inner circumferential side of the member. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated and does not disclose a powder coating that provides a dry powder lubricant is used. The Applicant discloses it is well known in the prior art to lubricate at least the inner surface to aid in installing something on a pipe (see Specification, page 1, lines 5-6 and page 6, lines 15-20). Larsen et al. teach that powder coating (talcum powder) that provides a dry lubricant is an art recognized equivalent for a grease

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lubricant on a gasket (see col. 6, lines 7-15). Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). As it would be advantageous to lubricate at least the inner surface of a gasket to help install it on a pipe and as one of ordinary skill in the art would be familiar with the use of a power coating in place of a grease lubricant on a gasket, it be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the at least the inner surface of the gasket lubricated as taught by the Applicants Prior Art and to use a dry powder lubricant as taught by Larsen et al.

Referring to claim 5, Dole et al. disclose (see Fig. 1) a ferrous pipe coupling comprising a ferrous collar (10) having an outer axially extending axially split circumferential wall (16) with at least one pair of adjoining circumferential ends (18) at the split; at least one fastener (22) releasably securing together the at least one pair of adjoining circumferential ends of the collar; the inner circumferential side having at least one flange that forms a seal with a pipe; a gasket (150) in the form of a generally tubular, one-piece elastomeric (see Fig. 5, at 32) member positioned in the collar and having an exposed inner circumferential side exposed in the collar. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated and does not disclose a powder coating that provides a dry powder lubricant is used. The Applicant discloses it is well known in the prior art to lubricate at least the inner surface to aid in installing something on a pipe (see Specification, page 1, lines

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5-6 and page 6, lines 15-20). Larsen et al. teach that powder coating (talcum powder) that provides a dry lubricant is an art recognized equivalent for a grease lubricant on a gasket (see col. 6, lines 7-15). Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). As it would be advantageous to lubricate at least the inner surface of a gasket to help install it on a pipe and as one of ordinary skill in the art would be familiar with the use of a powder coating in place of a grease lubricant on a gasket, it be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the at least the inner surface of the gasket lubricated as taught by the Applicants Prior Art and to use a dry powder lubricant as taught by Larsen et al.

Referring to claim 6, Dole et al. disclose the ferrous pipe coupling of claim 5, wherein the ferrous collar (16) includes a pair of at least generally radially inwardly extending circumferential flanges (see Fig. 4 at 30), each flange being located at a separate end of the circumferential wall the pair of flanges and the circumferential wall forming a circumferential channel (see Fig. 5, at 32) on an inner circumferential side of the collar and wherein the gasket (32) is positioned in the channel.

Referring to claim 10, Dole et al. disclose (see Fig. 1) a ferrous piping system comprising a plurality of ferrous piping components (see col. 1, lines 4-11) and at least one ferrous pipe coupling (10) mechanically and fluidly joining together ends of a pair of the piping components at a joint; the ferrous pipe coupling including a ferrous collar (16)

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having an outer, axially extending and axially split circumferential wall and at least one pair of adjoining circumferential ends (18) at the split; the ferrous pipe coupling further including a gasket (see Fig. 5, 32) in the form of a generally tubular one piece elastomeric member having an inner circumferential side, the inner circumferential side including at least one flange sealingly mounted on the ends of the pair of piping components and surrounded by the collar; the ferrous pipe coupling further including at least one fastener (22) releasably securing together a pair of adjoining circumferential ends of the collar so as to compress the gasket and the collar on the ends of the pair of piping components. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated and does not disclose a powder coating that provides a dry powder lubricant is used. The Applicant discloses it is well known in the prior art to lubricate at least the inner surface to aid in installing something on a pipe (see Specification, page 1, lines 5-6 and page 6, lines 15-20). Larsen et al. teach that powder coating (talcum powder) that provides a dry lubricant is an art recognized equivalent for a grease lubricant on a gasket (see col. 6, lines 7-15). Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). As it would be advantageous to lubricate at least the inner surface of a gasket to help install it on a pipe and as one of ordinary skill in the art would be familiar with the use of a powder coating in place of a grease lubricant on a gasket, it be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the at

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least the inner surface of the gasket lubricated as taught by the Applicants Prior Art and to use a dry powder lubricant as taught by Larsen et al.

Referring to claim 16, Dole et al. disclose in a ferrous pipe coupling including a generally tubular, one piece gasket (32) having at least one flange, a ferrous collar surrounding the gasket the collar including at least one axial split defining a pair of adjoining circumferential ends, and a fastener releasable securing together the adjoining circumferential ends of the collar. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated and does not disclose a powder coating that provides a dry powder lubricant is used. The Applicant discloses it is well known in the prior art to lubricate at least the inner surface to aid in installing something on a pipe (see Specification, page 1, lines 5-6 and page 6, lines 15-20). Larsen et al. teach that powder coating (talcum powder) that provides a dry lubricant is an art recognized equivalent for a grease lubricant on a gasket (see col. 6, lines 7-15). Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). As it would be advantageous to lubricate at least the inner surface of a gasket to help install it on a pipe and as one of ordinary skill in the art would be familiar with the use of a powder coating in place of a grease lubricant on a gasket, it be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the at least the inner surface of the gasket lubricated as taught by the Applicants Prior Art and to use a dry powder lubricant as taught by Larsen et al.

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Referring to claim 20, Dole et al., as modified, discloses the dry powder lubricant coats all circumferential surfaces of the gasket.

Referring to claim 21, Dole et al. discloses the gasket (32) comprises a pair of circumferential flanges formed on the exposed inner circumferential side of the gasket.

Referring to claim 22, Dole et al. discloses the gasket (32) comprises a pair of circumferential flanges formed on the exposed inner circumferential side of the gasket.

Referring to claim 23, Dole et al., as modified, discloses the dry powder lubricant coats a pair of flanges formed on the circumferential surface of the gasket (32).

2. Claims 2-4, 7-9, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's disclosure as applied to claims 1, 5 and 16 above, and further in view of Holt et al. ('597).

Referring to claims 2-4, 7-9 and 17-19, Dole et al., as modified, discloses gasket of claim 1 but does not disclose the lubricant consists an organic starch powder. Holt et al. teach that organic starch or talc can be used as a dry lubricant (see col. 12, line 41- col. 13, line 15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

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3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's Disclosure as applied to claims 10 above, and further in view of Sisk ('465)

Dole et al., as modified, disclose the pipe system of claim 10. Dole et al., as modified, does not disclose a one-way valve and a potable water supply. Sisk teaches that the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components (see Abstract). Therefore it would be obvious to further modify the piping system of Dole et al. to include a potable water supply and a one valve to supply water from the water supply to the piping components as taught by Sisk because the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157), the Applicant's Disclosure and Sisk ('465) as applied to claims 11 above, and further in view of Dole ('907).

Dole et al., as modified, disclose the pipe system of claim 11. Dole et al., as modified, does not disclose that one of the pipe components is a fitting with a fire sprinkler. Dole ('907) teaches (see Fig.2) that the pipe coupling can be used to couple a pipe to a fitting that is connected to a fire sprinkler. Therefore it would be obvious to further modify the pipe system disclosed by Dole et al. to include a fitting coupling with a fire sprinkler as taught by Dole ('907) because a pipe coupling can be used to couple a piping component to a fitting that is connected to a fire sprinkler.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) , the Applicant's Disclosure and Sisk ('465) as applied to claims 11 above, and further in view of Holt ('597).

Referring to claims 13-15, Dole et al., as modified, discloses piping system of claim 11 but does not disclose the lubricant consisted of an organic starch powder. Holt et al. teach that organic starch, talc can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the piping system disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

### ***Response to Arguments***

Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Referring to the arguments concerning Dole, the Dole reference was used to teach a lubricated gasket with the features recited in the claim. The Larsen reference was used only to teach that a powder coating (talcum powder) that provides a dry lubricant is a art recognized equivalent for a grease lubricant (see col. 6, lines 14-16).

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Moreover, the applicant is incorrect in stating that the Larsen does not teach a powder coating. The Larsen reference teaches that talcum powder is a suitable substitute for a grease lubricant and the talcum powder will inherently have a powder coating when applied. The Applicant's specification discloses that it is well known in the art to grease at least the inner circumferential side of the pair of flanges of the member (see Specification, page 1, lines 5-6 and page 6, lines 15-20). Therefore, since a powder coating that provides a dry lubricant is an art recognized substitute for a grease lubricant and it is well known in the art to grease at least the inner circumferential side of the pair of flanges of the member, it would be obvious to modify the gasket disclosed by Dole to use a powder coating on at least the gasket as taught by Larsen and the Applicant's Specification.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gmc

  
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